

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

U.S. NAVY SEALS 1-3, on behalf of themselves and all others similarly situated; **U.S. NAVY EXPLOSIVE ORDNANCE DISPOSAL TECHNICIAN 1**, on behalf of himself and all others similarly situated; **U.S. NAVY SEALS 4-26; U.S. NAVY SPECIAL WARFARE COMBATANT CRAFT CREWMEN 1-5; and U.S. NAVY DIVERS 1-3**,

Plaintiffs,

v.

LLOYD J. AUSTIN, III, in his official capacity as United States Secretary of Defense; **UNITED STATES DEPARTMENT OF DEFENSE**; **CARLOS DEL TORO**, in his official capacity as United States Secretary of the Navy,

Defendants.

Case No. 4:21-cv-01236-O

DECLARATION OF ANDREW B. STEPHENS IN SUPPORT OF MOTION FOR CLASS CERTIFICATION

I, ANDREW B. STEPHENS, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am submitting this Declaration in support of Plaintiffs' Motion for Class Certification.

2. I am a lawyer licensed to practice in the States of Texas and New York, federal district courts for the Northern District of Texas, the Western District of Texas, the Southern District of Texas, the Eastern District of Texas, the District of North Dakota, the Fifth Circuit Court of Appeals, and the United States Supreme Court.

3. I am a partner at Hacker Stephens LLP, a law firm in Austin, Texas. My law partner Heather Hacker and I focus our practice on civil litigation in state and federal courts, with a particular focus on complex civil cases involving constitutional and statutory claims in federal courts. Before founding Hacker Stephens LLP, Ms. Hacker and I worked for the Texas Attorney General and litigated a number of significant cases in state and federal courts on behalf of the State of Texas. I previously worked as a litigator at Shearman & Sterling LLP in New York, NY and Ms. Hacker was a trial and appellate litigator for a nonprofit religious liberty organization. We are co-counsel in this case with First Liberty Institute, a nonprofit public interest law firm that focuses on protecting religious liberties for all Americans.

4. We have represented plaintiffs and defendants as lead trial and appellate counsel in numerous civil litigation matters in state and federal courts, including class action lawsuits. I have represented the State of Texas at trial in several federal class actions involving complex constitutional and statutory claims, including *M.D. v. Abbott*, No. CIV.A. C-11-84 (S.D. Tex.), and *Steward v. Janek*, No. 5:10-cv-1025-OLG (W.D. Tex.). Recently, our firm has served as lead trial and appellate counsel in cases defending the constitutionality of the Texas Heartbeat Act in state and federal district courts, the Fifth Circuit Court of Appeals, and the United States Supreme Court. We are lead counsel in several federal cases involving constitutional and statutory claims in the Northern District of Texas: *Planned Parenthood of Greater Texas Surgical Health Services v. City of Lubbock*, Cause No. 5:21-cv-00114-H; and *United States ex rel. Doe, et al. v. Planned Parenthood Federation of America, et al.*, Cause No. 2:21-cv-00022-Z.

5. We are knowledgeable about the applicable law involved in this case and are assisted by the considerable resources of First Liberty Institute, a non-profit organization with

extensive experience litigating cases involving religious liberties and religious rights under the First Amendment and Religious Freedom Restoration Act.

6. We have spent many hours researching the claims, compiling and analyzing relevant facts and information, and researching and developing the legal claims alleged in the First Amended Class Action Complaint. We are fully prepared to prosecute this matter on behalf of the Named Plaintiffs and the proposed class and subclasses.

7. Counsel understands the nature and magnitude of the expenses involved in litigating complex class action lawsuits and has sufficient resources to vigorously prosecute this action.

Dated this 25th day of January, 2022

/s/ Andrew B. Stephens
ANDREW B. STEPHENS